

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:)	
)	
THE INVESTIGATION INTO THE FEASIBILITY)	CASE NO. 2001-117
AND ADVISABILITY OF KENTUCKY- AMERICAN)	
WATER COMPANY'S PROPOSED SOLUTION TO)	
ITS WATER SUPPLY DEFICIT)	

NOPE RESPONSE TO KENTUCKY-AMERICAN'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS DIRECTED TO
NEIGHBORS OPPOSING PIPELINE EXTRAVAGANCE, INC.

Comes now Neighbors Opposing Pipeline Extravagance, Inc. ("NOPE"), by counsel, and in conformity with the Commission's Procedural Schedule attached to its Order of January 11, 2002, submits the the following Response to Interrogatories and Requests for Production of Documents to Neighbors Opposing Pipeline Extravagance, Inc. propounded by Kentucky American Water Company (KAWC).

1. What population projections did the Kentucky Water Resource Research Institute use in its Kentucky River Basin Water Supply Assessment Study prepared for the Kentucky River Authority?

NOPE believes that this question should be addressed to a representative of the Kentucky Water Resources Research Institute (KWRRI). NOPE's understanding is that KWRRI used the the 2000 census numbers for Fayette County in its most recent update of its projections, and that its forecast population through 2020 are higher than the numbers used by KAWC. NOPE believes that documents related to these projects were

distributed at a Kentucky River Authority its planning meeting in September 2001. It will supplement this response with copies of those documents if they become available to NOPE.

2. Have there been any revisions to the projections used by KWRRI?

See Answer to No. 1, above. NOPE believes that KWRRI's projection have been updated, but NOPE does not have copies of documents reflecting such revisions at this time.

3. Provide a copy of any information available from the Kentucky Water Resource Research Institute available to you regarding the water supply in the Kentucky River Basin other than that contained in its Assessment Study prepared for the Kentucky River Authority.

NOPE is not aware of any such documents.

4. Provide all opinion and documentation to support the conclusion that the minimum flow requirements in the Kentucky River would not be strictly enforced by the regulatory authorities during extreme drought conditions.

NOPE believes that the Division of Water, and the Natural Resources & Environmental Protection, have authority under KRS Chapter 224 and KRS Chapter 151, to suspend, alter, or amend minimum flow requirements in a drought or emergency situation. NOPE believes that such authority has been invoked in

5. Does NOPE believe passing flow modifications during low flows in the Kentucky River should be made as a permanent part of the solution to Central Kentucky's supply situation? If no, why not? If yes, please describe the extent the passing flows should be modified.

NOPE believes that the Kentucky River has an adequate flow to meet the needs of all water users in the Kentucky River Basin if proper management and conservation measures are implemented.

6. Provide the names and addresses of the "major environmental groups" that NOPE represent are supportive of a Kentucky River solution and oppose a pipeline solution to Central Kentucky's supply situation. Provide all documentation that supports the inclusion of any entity in this list.

Sierra Club,
C/O Oscar Gerald
Gerald, Jones, Sherrow, Schrader & Rice
259 West Short
Street, Lexington, Kentucky 40507

NOPE will supplement as additional groups make decisions on the pipeline proposal of KAWC.

Respectfully submitted,

PHILLIP J. SHEPHERD
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502/227-1122

CERTIFICATION

In conformity with paragraph 10 of the Commission's Order dated May 15, 2001, this is to certify that the electronic version of this Response is a true and accurate copy of this Response filed in paper medium; that the electronic version of the filing has been transmitted to the Public Service Commission; that Kentucky-American Water Company has notified the Commission, the Attorney General, N.O.P.E., Inc., the Bluegrass Water Supply Consortium and the Lexington-Fayette Urban County Government by electronic mail that the electronic version of this Request has been transmitted to the Commission; that a copy has been served by mail upon David E. Spenard, Esq., Assistant Attorney General, Utility and Rate Intervention Division, 1024 Capital Center Drive, P.O. Box 2000, Frankfort, Kentucky 40602-2000; Theresa L. Holmes, Esq., David Barberie, Esq., Lexington-Fayette Urban County Gov't., Department of Law, 200 East Main Street, Lexington, Kentucky 40507; Phillip J. Shepherd, Esq., 307 West Main Street, P. O. Box 782, Frankfort, Kentucky 40602; Damon R. Talley, P.O. Box 150, 112 North Lincoln Boulevard, Hodgenville, Kentucky 42748, and Lindey W. Ingram, Stoll, Keenon & Park, 300 West Vine Street, Suite 2100, Lexington, Kentucky 40507-1801, and hand delivered to Gerald E. Wuetcher, Esq., Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601, and that the original and three (3) copies have been filed with the Public Service Commission in paper medium, all this the 14th day of February, 2002.

Phillip J. Shepherd